

Remarks

Claims Status

The claims in consideration are claims 1, 2, 4, and 20-31. The independent claims are 1, 24, and 28. Claims 20-31 have been added by this amendment.

Newly Added Claims

Applicant's Attorney, Richard J. Musgrave, left a message for Examiner Christopher S. Kim on the week of November 28, 2005 to discuss the specific requirements for this response; however, as of December 6, 2005, Applicant's Attorney has not received a return telephone call.

The Examiner, in Office Action, dated November 16, 2005, stated that "the reply on August 31, 2005 is not fully responsive" and requested that the Applicant "identify which of the newly added claims are readable on the elected species." As requested, claims 20, 21, and 24-28 are readable on the previously elected species. Applicant has provided all of the information requested by the Examiner, and, thus, allowance of the application is respectfully requested.

Claim Rejections – 35 U.S.C. §102

Claims 1, 2, and 4 are rejected under 35 U.S.C. §102(b) as being anticipated by United States Patent No. 5,573,185 (hereinafter the "'185 patent"). Claim 1 is the independent claim involved in this rejection.

Anticipation under 35 U.S.C. §102 requires that a reference must teach each and every aspect of the claimed invention. M.P.E.P. §2131 Applicant respectfully submits that the '185 patent does not teach each and every element of the present invention as articulated below.

The Applicant claims an "injection molding nozzle tip removably attachable to a nozzle housing, the nozzle tip comprising: a first portion, and a second portion fused to the first portion at a junction, the first and second portions being made of different materials." (Claim 1). This combination of claimed elements is not found in the cited '185 patent.

First, the Examiner cites the tubular steel body 1 or nozzle housing in the '185 patent (see Col. 2, Lines 27-30 and Fig. 1) as a first portion of a nozzle tip claimed by the Applicant. This is an incorrect interpretation of the reference and the Applicant's claimed language. The Applicant claims a "nozzle tip removably attached to a nozzle housing, the nozzle tip comprising: a first portion . . ." (Claim 1). It is clear from the Applicant's claim language that there is both a nozzle tip and a housing. Further, the nozzle tip has two portions. This structure is clearly described in the specification (see e.g., paragraphs [0036] and [0039]) and shown in the drawings (see e.g., Fig. 1). The Applicant is not claiming the nozzle tip and the housing as first and second portions; rather, the Applicant is claiming a nozzle tip and housing, and a nozzle tip having two portions. For this reason alone, reconsideration is respectfully requested.

If the Examiner is taking the position that the "tubular steel body 1" and the "ring 9" of the '185 patent are the first portion and second portion, respectively, of the claimed invention, then the rejection is improper because the Applicant claimed an "injection molding nozzle tip removably attachable to a nozzle housing." (Claim 1 and emphasis added). The '185 patent teaches that "the ring 9 is secured in place by an outer weld 12 between the lip 14 [of the ring 9] and the front end of the sleeve and inner weld 13 filling the triangular-section gap between the inner surface of the ring 9 and the surface 8 [of the tubular steel body 1]." (Col. 2, Lines 52-55 and Figs. 1-3). The ring 9 is not removably attached to the tubular steel body 1 in the '185 patent. Reconsideration is respectfully requested.

In summary, the Applicant claims an injection molding nozzle tip removably attachable to a nozzle housing, and a nozzle tip having a first portion and a second portion fused to the first portion at a junction, the first and second portions being made of different materials; whereas, the '185 patent discloses a ring 9 permanently attached to a tubular steel body 1. The '185 patent does not disclose, teach, or make obvious the Applicant's claimed structure as described above.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently, described in a single prior art reference. The identical invention must be shown in as complete detail as contained in the claim.

Further, the elements must be arranged as required by the claim. Accordingly, reconsideration is respectfully requested.

Claim Rejection – 35 U.S.C. §103

Alternatively, claims 1, 2, and 4 are rejected under 35 U.S.C. §103(a) as being obvious over the '185 patent.

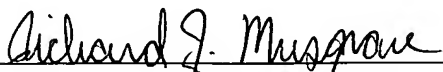
For an obviousness-type rejection, the Manual of Examining Procedures sets out the required proof. "First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine reference teachings." "Second, there must be a reasonable expectation of success." Finally, the prior art reference (or references) must teach or suggest all the claim limitations. M.P.E.P. §2143.

Applicant has distinguished the claims over the '185 patent above. Because the '185 reference does not teach all of the elements and the structure of the claimed language, at least the "all the claim limitations" requirement is absent from this case. Reconsideration of this obviousness rejection is respectfully requested.

Conclusion

The benefits of the Applicants' device are described in the patent application. This is a unique combination not taught, disclosed, suggested, or made obvious by the reference. In view of the above, it is submitted that the claims in this application are allowable, and an early notice of allowance is solicited.

Respectfully submitted,


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